

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION**

JAMIE COOK,)	
on behalf of herself and all others)	
similarly situated,)	Case No. 1:12CV999
)	
Plaintiff,)	
v.)	
)	CLASS ACTION
TRS RECOVERY SERVICES, INC.)	
and)	
TELECHECK SERVICES INC.,)	
)	
Defendants.)	
)	

**MOTION TO POSTPONE INITIAL PRETRIAL CONFERENCE
AND RULE 26(f) REPORT**

Plaintiff Jamie Cook, by counsel, hereby moves pursuant to LR 6.1(b) to postpone the Initial Pretrial Conference scheduled for December 17, 2012 at 9:30 a.m., and the Rule 26(f) Report due December 13, 2012, and avers in support thereof as follows:

1. This case was initiated on September 5, 2012 with the filing of a Class Action Complaint. [Doc. 1].
2. Defendants filed an Answer to the Complaint on November 13, 2012. [Doc. 13].
3. By Notice issued November 14, 2012, an Initial Pretrial Conference has been scheduled for December 17, 2012 at 9:30 a.m., and a Rule 26(f) report is due on December 13, 2012. [Doc. 14].

4. This case is one of five class actions pending in five different federal districts involving the same consumer debt collection practices by Defendants which Plaintiff contends are in violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* (FDCPA).

5. On December 4, 2012, the Plaintiffs in the five actions, including Plaintiff Cook herein, filed with the United States Judicial Panel on Multidistrict Litigation a Motion to Transfer the actions to the United States District Court for the District of Maine, pursuant to 28 U.S.C. § 1407, at Case No. 2426. A copy of the Motion to Transfer, the brief filed in support thereof and the civil docket for the case are appended hereto as Exhibit A.

6. The MDL Panel has set a briefing schedule whereby responses to the Motion to Transfer are due by December 26, 2012. *See id.*

7. On December 13, 2012, the MDL Panel entered a Notice of Hearing Session pursuant to which this case will be the subject of oral argument on the Motion to Transfer on January 31, 2013, in Orlando, Florida. *See id.*

8. Because of the possibility that this case may be transferred to another court by the MDL Panel, Plaintiff submits that the Initial Pretrial Conference and the submission of the Rule 26(f) report should be continued until such time as the MDL Panel rules on the pending Motion to Transfer.

9. Defendants have not taken a position either for or against this request.

WHEREFORE, Plaintiff Jamie Cook respectfully requests that the Initial Pretrial Conference and the requirement for submission of a Rule 26(f) Report be continued to such later time as scheduled by the Court pending the outcome of the Motion to Transfer before the Judicial Panel on Multidistrict Litigation

DATE: December 13, 2012

Respectfully submitted,

BY: /s/ Leonard A. Bennett

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Attorneys for Plaintiff and the Class

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of December, 2012, I caused a true and correct copy of the foregoing to be served by ECF notification upon the following:

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